



Memphis Animal Services needs your support of a proposed ordinance amendment that would restrict the sales of dogs and cats in retail stores. There has been some misinformation circulating about the ordinance that we wanted to clear up.

MYTH

“The Nashville ordinance is more stringent than this one”

FACT

The Memphis ordinance is actually more restrictive than the Nashville ordinance

MORE INFO

The Nashville ordinance states:

8-30-020 Restrictions on the sale of dogs and cats: A pet store may offer for sale only those dogs and cats that the pet store has obtained from or displays in cooperation with: 1. An animal care facility, as defined in this chapter; or 2. An animal rescue organization, as defined in this chapter.

The Memphis proposed ordinance goes even further and says animals cannot be sold at ALL, regardless of their sourcing:

SECTION 2. RESTRICTIONS ON THE SALE OF DOGS AND CATS: No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

Our ordinance would ensure a blanket prohibition of the retail sale for profit of any dog or cat by a pet store, regardless of where it was sourced, whereas in Nashville a pet store can “sell” the animal if they got it from a shelter or rescue (or have a non-profit created to serve this function). Profit should never be part of the motivation, and that is why it is excluded from our ordinance proposal.

MYTH

“All this amendment does is charge a \$50 fee per pet sold”

FACT

The Memphis ordinance imposes the maximum penalty allowed, and our ordinance already states that the \$50 fine is levied for each day the violation occurs.

MORE INFO:

Both the Nashville ordinance and the proposed Memphis ordinance have a \$50 fine per animal, pursuant to limits set within the Tennessee Constitution. State law will not allow a fine greater than \$50.

The Animals Chapter of the Memphis Code of Ordinances already states that anyone violating an ordinance will be subject to the \$50 fine each day they are in violation.

Sec. 8-20-10. – Violation – Penalty

Any person violating or permitting the violation of any provision of this chapter and title, shall upon conviction, be subject to a fine of not more than \$50.00 for each separate violation. Each day that any violation of this Code or any ordinance continues shall constitute a separate offense.

We agree \$50 is not enough, but as you can see, it is what we are limited to legally. That is why the most important piece of this is the fact that, should a retailer violate this ordinance, they would receive a summons to court, at which time a court order could be issued. Subsequent violations could result in a contempt of court charge, which can carry much stiffer penalties, including jail time.

MYTH

“Pet stores don’t source from puppy mills”

FACT

It is well documented and undisputed by anyone outside of the puppy mill-pet store pipeline that pet store puppies are supplied by inhumane commercial breeding facilities that treat dogs as nothing more than breeding machines and puppies as nothing more than agriculture products.

MORE INFO:

Even if pet stores wanted to source from responsible, humane breeders, they wouldn’t be able to because responsible breeders won’t sell to pet stores, because they want to know who is buying their puppies. In fact, the vast majority of national breed clubs have codes of ethics stating that their members should not sell to pet stores.

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MYTH

“Pet stores source from USA-licensed breeders who are highly regulated”

FACT

Unfortunately, a USDA-licensed puppy mill is still a puppy mill. The USDA itself states that it does not “certify establishments” and that “a USDA license is not a seal of approval.”

MORE INFO:

Further, standards of care are shockingly low. Licensed facilities can keep dogs in cramped, stacked, wire cages for their entire lives, without adequate veterinary care, socialization or exercise. Even if a breeder complies with all USDA requirements, she can keep animals in extremely inhumane conditions. Yet, many breeders fail to even meet these low standards, and the USDA continues to license them year after year. To make matters worse, the USDA is currently protecting animal abusers by redacting all pertinent information from animal welfare inspection reports that used to be available to the public, and recently announced it is considering allowing third-party inspections of commercial breeders, which would likely result in a largely self-regulated puppy mill industry.

MYTH

“This is an issue that needs to be addressed at the federal level”

FACT

Sadly, the USDA does a horrible job regulating the commercial breeder industry and there is no reason to believe that will change.

MORE INFO:

The standards of care breeders are held to are merely survival standards, allowing dogs to be kept in conditions that most Americans would find appalling. In 2015, the HSUS, the HSVMA and the ASPCA submitted a detailed petition for rulemaking to the USDA urging the agency to improve its standards of care. The agency has yet to respond beyond acknowledging it received the document. Plus, the USDA's own audits demonstrate it does a horrible job of enforcing these minimal standards, allowing breeders with egregious and numerous violations to remain licensed year after year. Keeping inspection report information from the public and considering allowing third party inspections (as noted above) provides further evidence the USDA is moving in the wrong direction on this issue. It is up to state and local lawmakers to reject puppy mill cruelty and protect their constituents.

MYTH

"This would put pet stores out of business"

FACT

A pet store that is required by law to only source dogs and cats from humane sources will only go out of business if its owners choose to do so.

MORE INFO:

Every good business owner has to be adaptable, and with a little bit of work owners can convert to a humane model. In fact, it would be good business to convert regardless of the law because a model that relies on the sale of puppies from mills is outdated and socially unacceptable. Stores relying on this model are an outlier in their own industry, as the huge majority of pet stores, including the largest and most successful chains and small mom and pop shops, do not sell puppies. Plus, the HSUS's puppy mills corporate outreach staff is here to assist puppy-selling pet stores in their conversion to a model that focuses on adopting out homeless animals or relies on quality products and services to make a profit.

MYTH

"This would hurt pet stores that are doing everything right"

FACT

This bill will only impact the few pet stores in the state that currently sell puppies and kittens. These pet stores unfortunately are not doing everything right.

MORE INFO:

The HSUS receives complaints every day from heartbroken consumers who have purchased sick puppies from pet stores. Because pet stores source from puppy mills to keep their store supplied with puppies, they also: 1) mislead their buyers about where their puppies really come from, 2) sell sick puppies with immature immune systems who were likely exposed to other sick puppies during transport and in the pet stores, 3) sell behaviorally challenged puppies who have trouble adjusting to family life because up until that point they knew nothing but life in a small cage, and 4) offer financing that many consider predatory lending, leading consumers to spend many times the original price of the puppy. Moreover, it

is common practice for pet stores to pump sick puppies with antibiotics so they appear healthy on the sales floor, which has led to an outbreak of an antibiotic resistant disease that humans have contracted after contact with pet store puppies, leading the Centers for Disease Control to issue an outbreak alert. Stores doing everything right do not sell puppies.

MYTH

“This paints all breeders in a bad light”

FACT

There is a massive difference between responsible breeders and puppy mills.

MORE INFO:

Responsible breeders treat their dogs like pets, feeding them nutritious foods, exercising them, testing for genetic disorders and providing proper care. They only sell directly to the public and demand that they meet prospective buyers in person. Consumers who buy a puppy from a responsible breeder will get a pet that is socialized with humans and other dogs, and used to life in a family. In contrast, in puppy mill breeding dogs spend their entire lives in small cages and suffer immensely both physically and psychologically. Consumers who buy a puppy mill puppy often end up with a pet with health and behavioral problems who has trouble adjusting to family life. This bill only affects puppy mills, as they are the ones that sell to pet stores.

MYTH

“This will prevent people from getting the dog of their choice”

FACT

We recommend that anyone looking to add a new pet to their family consider adoption first.

MORE INFO:

Shelters and rescues offer dogs of all sizes, breeds, temperaments, and ages for adoption. For those who prefer to buy a puppy, we encourage them to look at the large network of responsible breeders in the area who place their dogs' well-being above all else, and only sell to those who they meet in person. Those breeders will not be impacted by pet store regulations. Currently, only 4% of dogs are obtained from pet stores, and many who buy from pet stores do so on an impulse, so sensationalistic arguments that removing commercially-raised puppies from pet stores will somehow lead to a puppy shortage are flawed.

MYTH

“This will drive more sales to the internet, which is a black market”

FACT

The internet is certainly a problem for puppy mills sales, but it’s important to note that breeders selling over the internet are regulated in the exact same way as those selling to pet stores.

MORE INFO:

Both internet sellers and those selling to pet stores must be licensed by the USDA and adhere to the same federal standards of care. Also, there is no evidence that pet store laws drive consumers to the internet. Pet store consumers want to interact with a puppy before purchase and internet sellers don’t cater to those consumers.

MYTH

“Shelters and rescues are the real problem, and this ordinance promotes them”

FACT

Pet stores attempt to deflect attention from the puppy mills they rely on by pointing to a miniscule number of bad apples in the rescue and shelter community.

MORE INFO:

The vast majority of shelters and rescues are doing the selfless work of rehoming lost, abused and abandoned animals. Meanwhile, the vast majority of commercial breeders supplying puppies to pet stores churn out as many puppies as possible with no regard for the health and wellbeing of their breeding dogs and their offspring. Nor do they care about the families that will end up with sick and behaviorally challenged puppies. With that said, the HSUS supports reasonable shelter and rescue regulations, as do responsible shelters and rescues. We are opposed to purchasing dogs at auctions, regardless of whether the purchase is made by a breeder or a rescue.

In regards to rescues buying at auction, two points must be made. First, the attention to this issue is blown out of proportion as fewer than one percent of the rescue groups in the country buy dogs at auctions. In fact, there are only two known dog auction houses left in the entire nation. Second, the much bigger problem pertains to the horrifically cruel puppy mills themselves. Without them there would be no auctions. And while small in scale, this issue has been addressed in pet store legislation supported by the HSUS for some time now. Our model legislation states that rescues who source dogs and cats from breeders and brokers for payment or compensation cannot work with pet stores, just like the breeders and brokers themselves cannot.

MYTH

“This does not address the issue of puppy mills”

FACT

Supply and demand is the most basic and fundamental economics concept. It dictates that if pet stores no longer buy puppies from puppy mills, puppy mills will produce fewer puppies, meaning less breeding dogs will suffer.

MORE INFO:

Pet stores are a curtain behind which puppy mills hide. Without the veil of the pet store to conceal their true conditions, puppy mills wouldn't be able to hide poor conditions from consumers, and consumers who did witness problem facilities would be able to report them. Moreover, when puppy mills have nowhere left to sell, they will cease to exist.

MYTH

“Advocates cannot point to puppy mills that have closed due to retail sales bans”

FACT

Pet stores usually rely on a handful of brokers who buy puppies from mills and then resell them to the pet stores. The largest broker, Choice Puppies (formerly the Hunte Corp.) has seen their sales cut by more than half since pet store ordinances started to be enacted around the country.

MORE INFO:

Choice Puppies sells about 30,000 puppies a year, down from 80,000 a year. As for the impact an ordinance has on the mills themselves, when a city passes an ordinance hundreds of puppy mills may take a small hit rather than one or two puppy mills taking large hits or closing. With each state and local law that passes, puppy mills selling to pet stores take bigger and bigger hits, which eventually will dry up the market for their products.

MYTH

“Pet stores sourcing laws are more effective than bans”

FACT

Prohibiting the sale of all puppies in retail stores, unless sourced from shelters and rescues, is the only way to effectively stop the puppy mill-pet store pipeline and protect consumers.

MORE INFO:

Sourcing laws specifying which breeders pet stores can source from are ineffective because responsible breeders won't sell to pet stores. In addition, because the USDA currently won't provide inspection reports directly to pet stores or the public, pet stores now rely on the breeders to provide their inspection records directly to the stores, which means the breeders can simply withhold unfavorable reports. Sourcing laws are also unenforceable, as state officials do not have the means nor the authority to inspect breeding facilities outside of their borders and relying on federal or state inspection reports is unworkable because they are difficult to obtain, and the USDA currently redacts necessary information. Even if a facility has no recent violations, that simply means that it was found to be meeting legal requirements, which still allow hundreds of dogs to be kept in small, wire cages 24/7 with no real quality of life; licensed operations can still be puppy mills.

MYTH

“This is unconstitutional/violates the commerce clause”

FACT

There is consensus among federal courts that laws regulating pet store sourcing of dogs and cats do not violate the Commerce Clause, or other provisions of the U.S. Constitution.

MORE INFO:

Puppy-selling pet stores and their trade groups have challenged such laws in six different federal lawsuits, and each time the courts held laws banning or regulating pet store puppy sales do not discriminate against interstate commerce because they do not favor in-state economic interests nor burden out-of-state interests. Specifically, courts held that these laws treat all entities the same: neither in-state nor out-of-state breeders can sell to pet stores, but both can sell directly to consumers, and both in-state and out-of-state shelters and rescues can work with pet stores. The courts also noted that the benefits of the laws (stopping puppy mills, promoting animal welfare, and protecting consumers) far outweighed any minimal burdens that might exist.